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5 UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION

8 OS ENTERPRISE, LLC, a California limited
9 liability company,

10 Plaintiff,

11 vs.

12 FAIRLINE DEVELOPMENT CANADA
13 (1992) LTD., a Canada Corporation, and
14 TAWA SUPERMARKET, INC. dba 99
Ranch Market,

15 Defendants.

Case No: C 11-4375 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Docket 49, 58

16 On September 6, 2013, the Court entered default judgment against Defendant
17 Fairline Development Canada (1992) Ltd. (“Fairline”), and ordered Plaintiff to file a
18 motion to prove damages. Dkt. 47. On November 27, 2013, Plaintiff filed a statement of
19 damages to prove up default judgment against Fairline. Dkt. 49. On December 16, 2013,
20 this matter was referred to Magistrate Judge Elizabeth Laporte (“the Magistrate”) for a
21 Report and Recommendation. Dkt. 51. On March 7, 2014, the Magistrate issued a Report
22 and Recommendation in which she recommends awarding damages in the amount of
23 \$1,830,228. Dkt. 58.

24 Any objection to the report and recommendation of a Magistrate Judge must be filed
25 within fourteen days of receipt thereof. Fed.R.Civ.P. 72(b); 28 U.S.C. § 636(b)(1)(C). The
26 district court must “make a de novo determination of those portions of the report or
27 specified proposed findings or recommendations to which objection is made,” and “may
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1 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
2 magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

3 The deadline to object to the Magistrate’s Report and Recommendation was March
4 21, 2014. See Fed.R.Civ.P. 6(a)(1), (d); Fed.R.Civ.P. 72(a); 28 U.S.C. § 636(b)(1)(C). To
5 date, no objection to the Report and Recommendation has been filed. In the absence of a
6 timely objection, the Court “need only satisfy itself that there is no clear error on the face of
7 the record in order to accept the recommendation.” Fed.R.Civ.P. 72, Advisory Committee
8 Notes (1983) (citing Campbell v. U.S. Dist. Court, 501 F.2d 196, 206 (9th Cir. 1974)); see
9 also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (“The statute [28
10 U.S.C. § 636(b)(1)(C)] makes it clear that the district judge must review the magistrate
11 judge’s findings and recommendations *de novo* if [an] objection is made, but not
12 otherwise.”) (en banc). The Court has reviewed the record on its face and finds no clear
13 error. Accordingly,

14 IT IS HEREBY ORDERED THAT the Magistrate’s Report and Recommendation
15 (Dkt. 58) is ACCEPTED and shall become the Order of this Court. This Order terminates
16 Docket 49 and Docket 58.

17 IT IS FURTHER ORDERED THAT Plaintiff shall file a memorandum, not to
18 exceed five (5) pages, by no later than seven (7) days from the date this Order is filed
19 showing cause why Defendant Tawa Supermarkets, Inc. should not be dismissed from this
20 action under Rule 4(m) of the Federal Rules of Civil Procedure for failure to timely effect
21 service within 120 days after the complaint was filed. Alternatively, Plaintiff may file a
22 notice of voluntary dismissal as to Defendant Tawa Supermarkets, Inc. under Rule
23 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. Plaintiff is warned that the failure to
24 timely comply with this Order will result in the dismissal of Tawa Supermarkets, Inc. from
25 this action.

26 IT IS SO ORDERED.

27 Dated: 4/8/2014

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SAUNDRA BROWN ARMSTRONG
United States District Judge